

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

**USDC-SDNY
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CAMP 1382 LLC *doing business as*
CAMPAGNOLA RESTAURANT *on behalf of*
itself and all others similarly situated,

Plaintiff,

v.

LANCER INSURANCE COMPANY,

Defendant.

No. 20-CV-3336 (RA)

ORDER

RONNIE ABRAMS, United States District Judge:


Defendant Lancer Insurance Company requests that the Court stay discovery against it pending resolution of its motion to dismiss. Plaintiff Camp 1382 LLC d/b/a Campagnola Restaurant opposes this request. In evaluating such stay requests, courts consider several factors, including: “1) whether a defendant has made a strong showing that the plaintiff’s claim is unmeritorious, 2) the breadth of discovery and the burden of responding to it, and 3) the risk of unfair prejudice to the party opposing the stay.” *Negrete v. Citibank, N.A.*, No. 15 Civ. 7250 (RWS), 2015 WL 8207466, at *1 (S.D.N.Y. Dec. 7, 2015). A party seeking a stay has the burden of demonstrating good cause. *Roper v. City of New York*, No. 15 Civ. 8899 (PAE) (GWG), 2017 WL 462270, at *1 (S.D.N.Y. Jan. 25, 2017).

Having considered Defendant’s motion to dismiss and the parties’ letters at Dkts. 17-18 and 24, the Court concludes that a stay is warranted. While the Court has not reached a decision on the motion to dismiss, Defendant has raised substantial arguments in favor of dismissal of this action against it—including that Plaintiff fails to allege “direct physical loss of or physical damage

to property,” and that the policy’s Virus Exclusion and/or Ordinance Or Law Exclusion precludes coverage under these circumstances. Defendant has also established that discovery would be costly and burdensome, particularly in light of the fact that Plaintiff brings this action on behalf of not only itself, but also a proposed nationwide class and a proposed New York sub-class of policyholders. Finally, Plaintiff has not established that it would be seriously prejudiced by a stay. Accordingly, discovery in this action is hereby stayed pending the Court’s ruling on Defendant’s motion to dismiss.

SO ORDERED.

Dated: October 14, 2020
New York, New York



Ronnie Abrams
United States District Judge